

The first part of the regular meeting of the Town Assembly of the Village of Arden was held on June 24, 1985, Chairman William Press presiding.

In attendance were:

Beatrice Jaffe
Virginia Shaw
Patricia Press
John Grimaldi
Sarah S. Hamburger
John Berk
Clara Dossett (NV)
John Dossett (NV)
Rae Gerstine
Cy Liberman
John Hewlett
Greg Condiff
Charles Salkeld
Pat Pyle
Dan Szurgyjlo
Tanya Lazar
Miklos Lazar
Cecilia Vore
Carolyn Liberman
Shaul Gladstone
Hugh Roberts
Ruthellyn Yates
Carolyn Melody
Ralph E. Luker
A. Barnes King
Alton Dahl
Mary E. Irons
Ruth W. Holcomb

Bill Press
Susan Rohrbach
Edward Rohrbach
Bertha Brooks
Joan W. Colgan
Donald Holcomb
Bob Wynn (NV)
Leon Tanzer
W. H. Vandever
Alex Sykulski
Sally Thurston
William Bailey
Aaron Hamburger
Bernard Brachman
Lee Starr
Frank Akutowicz
Susan Fary (NV)
Eugene Shaw
K. Petersen
Mary Andrews
Mike Jaffe
Thomas E. Colgan
David E. Ewing
Anne Berlin
Bud Bradshaw (NV)
Connie McKinney
H. R. Monfort
Art Hurwitz

Ethel Monfort
Maryellen Jobson
Debbie Theis
Bill Theis
Jim Semenick
Jim Larsen
Mary Trench
Nancy Badner
Helen Macklem
Sarah Moore
Tim Moore
Bessie Southwell
Ted Southwell
Amy Potter Cook
Paul Thompson
Larry Walker
Ruth Panella
Leonard Sophris (NV)
Matt O'Connor
Sharon Snyder
Frank Young
Polly Sharp
Elizabeth Varley Walker
Marie Dugan (NV)
David Skiles
Carl Falco
Ellen Dolmetsch

Presentation by the Hanby Corners Community Fire and Ambulance Association, Inc. A. Barnes King

The firehouse at Marsh and Naamans remains underequipped leaving Arden vulnerable since the response time from the Claymont station is not quick enough.

Hanby Corners is appealing to the Superior Court for a legal hearing on its request for permission to form a new company. They expect the case to be heard the end of July. They could be an operating company within two months if permission is granted. They have been given financial backing from Delaware Trust play loans of equipment from other fire companies.

The Hanby Trust, owners of the firehouse and land at Marsh and Naamans, is in the process of eviction proceedings against Claymont for not using the building as an operating station.

Claymont's explanation for closing Hanby Corners was the expense, but since the closing they have bought expensive equipment including two vans, one for the fire chief and one for the ladie's auxilliary.

Copies of the association's finances are available to the public; Claymont has been unwilling to open their books. Hanby Corners' financial advisor is not a company member though he sits on the Board of Directors.

Minutes of the March meeting were approved as read.

Communications:

Letter from the County Executive, Rita Justice, asking for support for her legislation which would result in New Castle County receiving one percent of the two percent real estate transfer tax. This money would replace the funds from Revenue Sharing, a program scheduled for elimination.

Letter from Sharon Guessford, ACRA summer program director, will be read during the discussion of the BWVC heating system replacement.

COMMITTEE REPORTS

Trustees - Cy Liberman

One of the major concerns of the Trustees since the March meeting has been the New Castle County reassessment. We reported at that meeting that there was real danger of a tremendous increase in the taxes Arden has to pay to the county and the school district, because of the high valuations placed on Arden properties. We disputed some of these valuations. We could not dispute many others because actual sales at high prices have truly occurred, and are the basis for new assessments. However, we did manage to convince Property Systems Co., the firm that did the reassessment, to reduce figures on seven houses by a total of \$156,500 and to reduce the proposed valuation of Arden's residential land by over \$1 million. After those negotiated reductions, we appealed to the Board of Assessment Review and achieved a further five percent reduction in the land assessment. The final figures are these: land \$3,955,400; buildings, \$9,354,500. Total \$13,309,900. So, if it's any consolation we have a \$13 million town here, but we still are confronted with a big boost in our tax bill. We estimate the increase, after the reduction in assessments and the setting of tax rates by the county and school district will be about \$16,000.

The annual audit of the books of the village is being done by a new auditing firm. We have just received a draft report which puts the Trustees' reserve or town surplus at \$47,248. Last year it was \$54,655.

We have a serious problem about placing the town's liability insurance. Our insurance company declines to renew and other companies do not want to take on the risk. Our agent has one company left preparing a quote. It will probably be very high. The reason for this deplorable situation, in which all municipalities are, is various court decisions awarding large amounts of damages and in addition extending the time in the past when old claims can be brought up.

The Trustees had to make a difficult decision recently when the Arden Club, which has attained tax exempt status on this building requested a rebate in land rent because the building is no longer taxed by the county and school district, saving the town about \$1,500. The Trustees concluded we could not comply with the club's request without the adoption of a special factor by the Arden Assessors, because the lease requires us to apply the valuations made by the Arden Assessors to the land "excluding improvements." That's the Arden system. We consulted the Assessors. Far from providing an avenue for granting a rebate, the Assessors questioned the Trustees' practice of passing through to low income senior citizens the benefits of a lowered assessment the county offers to

those homeowners.

On the matter of the proposed intensive development of the YMCA property on Harvey Rd., the Trustees wrote to the president of the YMCA Board of Directors to suggest that a humanitarian organization should be conscious of its neighbors, consider the impact of its proposed land sale and refrain from selling for the highest possible price for the most intensive development. This appeal to abandon greed as a motive has gone unanswered.

We are not circulating a financial report at this meeting because the auditor has the books.

Assessors - John Grimaldi

Full report on file. Highlights:

The Board unanimously reaffirmed the principles of the December, 1981 definition of Full Rental Value (FRV). FRV for the fiscal year starting March 25, 1986 is estimated to be \$192,000.

Arden's annual County plus School Tax is expected to rise from about \$97,000 to \$113,000. In addition to the tax blow, interest rates on Arden's investable funds are down, decreasing this contribution to Arden's treasury to about \$5,000 per year. The amount needed from land rent has increased from about \$158,000 to about \$182,000 representing a need for about \$24,000 increased income. The committee vote for a 15% increase in FRV was 5 for, 1 against, 1 absent.

The Trustees are requested to act as follows to collect this value from the individual leaseholds:

- Collect the usual fines, fees, interest and other funds \$ 10,000
- Collect \$35,000 in equal portions from each leasehold to cover garbage collection (approximately \$178 each) \$ 35,000
- The remainder to be collected by rentals applied as woods, greens & commercial factors and by application of the rental rates as determined by this board. \$147,000

FRV

\$192,000

Rates required:

\$49.30 per M sq. ft. for the "first 6,500 sq. ft."
\$30.10 per M sq. ft. for the "above 6,500 sq. ft."

Discussion

Adding the garbage factor is a historic change in Arden's method of collecting money. This idea was proposed at open Assessors' meetings. The \$178 works out to \$14 per month.

Why is garbage collection different from any other town service such as road repair? Other factors, such as woods and greens, refer to things that only some leaseholds have. Is a garbage factor legal under our charter?

The garbage factor, applying equally to everyone, will give some tax relief to the large leaseholds. The domicile rule was instituted to achieve this relief.

Sense of the Meeting: The Board of Assessors was requested to re-examine its report and reconsider the garbage factor. The rest of the report was accepted by a vote of 38 aye, 24 nay.

Budget - Ruth Holcomb

The committee is waiting for the audit to be completed in order to proceed with the budget. Meanwhile, they have asked all committees to submit written reports on their estimated needs for the 1986/87 fiscal year. Civic may have a larger reserve fund than they originally thought, though some of this reserve is money from Revenue Sharing and Municipal Street Aid. Civic is estimating \$40,000 for garbage and \$13,000 for the special clean-up.

Ruth questioned the timing of the Assessors' report and the proposed budget. Shouldn't the budget be submitted before the Assessors make their report?

Larry Walker questioned the long range wisdom of making up a bare bones budget for a few years due to the tax increase. This may cause us to defer projects which will catch up with us later on.

Buzz Ware Village Center - Cy Liberman

The need for a new heating system will be discussed under Old Business.

The amount in the maintenance fund is currently \$10,500. However, there are outstanding bills for about \$1,000, leaving a real balance of \$9,500. There is no Arden money in this fund, it is all contributed by WMA. The only other money available to the committee is the \$500 line item in the budget. This appropriation was not spent this past year.

Civic - Don Holcomb

Town clean-up. Several leaseholds abused this service this year. Next year Paul Thompson will write the offenders asking them to do better. He will also write an article in the Arden Page urging people to put out an appropriate amount at the specified time.

In response to the motion to study the possibility of opening up woods access at Walnut Lane and the extension of Green Lane, the committee determined that there is a large drop-off at Walnut Lane; the area would not make a good path and should be left as is. The extension of Green Lane has been cleared.

The Civic Reserve Fund has been earmarked for an expensive Memorial Grove (beer garden) project. We plan to have a specific plan for the area, including estimated prices, to present to the September meeting.

The committee estimates the cost of the special clean-up for next year to be \$1,300 and the trash collection to be \$40,000.

Discussion

Community Planning Committee questioned the Civic Committee's right to proceed with the opening up of the Green Lane extension path. They felt there was no path there, it had become overgrown, and it should be left that way. Other residents felt that the area was traditionally a path and should be useable. Civic Committee is responsible for keeping the lanes clear and maintaining them in proper order.

Does the committee have a long range road care plan? Hugh Roberts suggested that the committee consult a road engineer and formulate such a plan. Don felt that the roads are in pretty good shape right now. With Woody Vandever's help we operate on a 2-3 year repair plan.

Community Planning - Cecilia Vore

The committee received an announcement from the Delaware Department of Transportation stating that DelDot has received approval for its plans on Naamans Road. "Proposed improvements include the reconstruction of Naamans Rd. to a 4 lane highway with a 5th medial lane for left turns from Carpenter Rd. to Shipley Rd. The Concord Pike to Shipley Rd. and Carpenter Rd. to Philadelphia Pike sections will have a non-crossable median. Sidewalks will be provided throughout the area."

The annual woods clean-up was held on Saturday, April 20. Although community participation was down this year, a group of Community Planning and Civic Committee members and friends cleaned the Sherwood side thoroughly on Sunday, April 21. Our coup for the day was an old wringer washer that was firmly imbedded in the creek.

Prior to the clean-up, the woods were inspected and letters were sent to some residents asking them to return the woods behind their leaseholds to a natural state. This strategy was mostly ineffective and will not be used next year. We also notified the Trustees of leaseholds that appear to be encroaching on the woods.

The committee concluded that regular inspections of the woods are important and that we should take a stronger stand on dumping in the woods, including the dumping of "organic" material, such as hedge clippings and old Christmas trees. We believe this common practice is harmful because even organic debris disturbs the natural appearance of the forest and tends to attract less organic trash.

As instructed by the March Town Meeting, the committee discussed the advisability of opening paths into the woods at Green and Walnut Lanes. We do not recommend opening up any more access to the woods. The woods is one of the few remaining wild areas in the Brandywine Hundred and should be kept as wild as possible. The woods behind Walnut Lane are particularly undisturbed and are a nesting place for many birds. There already is access to the woods near Renzetti's, which is close to Green Lane. There is no need for another access in this area.

The landscaping project in the Memorial Garden will begin next month. We are soliciting bids from contractors, and we have received a grant from the State's Division of Community Services for its Summer Youth Employment Program. This grant is for the landscaping project alone and will be the only Summer Youth Employment Program in the Ardens this summer. All interested residents between 14 and 20 years of age should contact Cecilia Vore.

The committee received a request for an exemption from ordinance #13 from Sally Bould and Deborah Showard, the current and future leaseholders of lot #103 3/4 (2118 Hillside Rd.). The request was denied and the new owner intends to comply. We also received a request for an exemption from Phyllis Conner for lot #51 in "Little Arden". This request was also denied. Mrs. Conner will appeal and the specifics will be discussed under Old Business after Mr. Semenick's appeal. Residents near these leaseholds were informed that these requests for exemptions would be on the agenda tonight.

The committee completed a report on future improvements to Harvey Rd. and has a series of recommendations to present to the town later tonight. We will also discuss the proposed development of the YMCA property at Harvey Rd. and I-95.

Discussion

The extension of Green Lane has always been a lane. The Civic Committee only cleared the area, it did not create a new lane.

Why will disposing of hedge clippings in the woods attract non-organic trash? Because the clippings are left in large piles rather than being scattered through the forest floor.

Playground - Larry Walker

The committee met and organized. The positions were filled as follows: Chair - Larry Walker, Maintenance - Ed Rohrbach, Treasurer - Nancy Badner, Secretary - Mary Brent Whipple.

The required playground equipment inspections were made and the necessary repairs and adjustments made. All of the equipment is in good shape, only touch-up painting is needed.

The committee accepted from the Wilmington Montessori Association a donation of 2 cubic yards of right dress mulch which was put under the playground equipment on the greens. This represents about 1/3 of our annual requirement of mulch.

The major project planned for this year is to put a 2" layer of blacktop on top of the existing surface for the basketball court behind the BWVC. This is a part of our phased improvements of the basketball court. We also plan to replace the boards on the picnic tables in front of the Village Center.

Over the past four years, the Playground Committee has not installed much new equipment, but has replaced several old high maintenance items. This course was taken because of the Town Meeting's resistance in 1981 to a proposal from the committee to explore the possibility of new equipment. To determine if the sense of the meeting is still the same, we intend to make a motion under New Business to have the Playground Committee explore the possibility of installing some new playground equipment on the Arden Greens. This would be professionally manufactured, low maintenance equipment that would not take up much space on the greens. We would anticipate that this could mean two additional pieces of equipment on each green within two years. We would propose to locate these in areas where they would not diminish the open effect of the greens.

Registration - Virginia Shaw

There are 382 registered voters in Arden as of this date. Since March, 17 voters have left, 11 have been added to the rolls.

Safety - Tom Colgan

The committee met and elected Tom Colgan Chairman. John Berk was placed in charge of traffic signs and Tim Colgan was appointed police liaison.

The committee had all the signs changed around the Green so they face on-coming traffic. No-parking signs will be erected on the north side of Woodland between Inn and Green Lanes where we appear to have congested parking now on both

sides of the road. We plan to install a school sign and a 20 mile speed sign on Sherwood Rd.

Residents are asked to cut shrubbery on their lots which obstruct traffic signs.

At the direction of Town Meeting the committee reviewed the proposal to make the garden path into Jim Semenick's a parking area for his cars. We are opposed because we feel it constitutes a traffic hazard because there is a stop sign there and drivers frequently glide through the sign. As an alternative we propose that a section of the corner at Lower Lane and Millers be painted as a parking area for Little Arden, at the expense of the residents. We should determine how much land the town has from the curb to the property line; perhaps one-half of the vehicles will be off the road.

At the suggestion of the Civic Committee, we have ordered 2 traffic barriers for future emergency use to direct motorists around hazards such as fallen trees, holes, etc.

A number of Town Watch signs have been ordered and will be installed at entrances to Arden.

Stuart Reynolds has moved from Arden leaving the committee one member short. The Town Secretary was instructed to contact Don Berman, the candidate in the last election with the next highest number of votes, and ask him to serve.

Discussion

The committee was asked to discuss the dangerous situation at the intersection of Marsh and Sherwood. Cars from Marsh make right-turns-on-red onto Harvey Rd., crossing the Sherwood intersection. Isn't this illegal?

Will the Safety Committee's proposed \$600 cut in their budget request for 1986/87 limit our police patrols? The committee has not spent their budget limit for several years now. No police patrols were instituted last year and none are planned for this summer.

A dangerous situation at the intersection of Hillside and Millers was noted. Motorists speed on Millers and often ignore the stop sign. There should be a stop sign on Hillside as well. Some residents felt that stopping on Hillside was difficult in icy weather. The committee will study the problem.

Town Watch

Ruth Holcomb, Town Watch coordinator, feels that the program needs more publicity. The new signs will be a help. Pat Renzetti has agreed to serve as dispatcher. The program currently serves all 3 Ardens.

OLD BUSINESS

Jim Semenick's appeal of his ordinance #13 exemption denial

Ed Rohrbach presented the background of the Community Planning Committee's denial with the use of a diagram of the area. Ed had drawn up a proposal allowing for a driveway and a turn-around on the leasehold.

Arguments against an exemption & rebuttal

- 1) The 10 ft. access lane could be used as a driveway. There is sufficient room to park 2 cars there.

If the drive is filled with cars, will there be sufficient access to the house? Yes, cars are only 6½ ft. wide, the drive would be 10 ft. wide.

- 2) Mr. Semenick is currently parked in an intersection; his cars constitute a safety hazard.

Wouldn't backing into the intersection be unsafe? The cars could be backed into the drive.

The 2 cars currently park in the intersection of Millers and Lower Lane because it is a wide area with good visibility. It is a violation of the Delaware traffic code to park in any intersection and in front of a stop sign. The stop sign could be moved to the opposite side of the intersection. There was disagreement over whether the parked cars interfere with visibility of cars entering the intersection from Lower Lane. There have been no accidents at that intersection to anyone's knowledge.

- 3) Although there are water and sewer pipes under the footpath, there are pipes beneath most roads in Arden. The path could be paved to allow easy access to the pipes. Ed knows of a type of removal paving; it is expensive but would solve the problem.

- 4) In answer to the point that the leasehold is part of historic Little Arden, the committee feels many Arden homes have historical value. Cars in historical places are inherently incongruous, but probably less offensive if they are discreetly parked interiorly rather than in front.

- 5) The consequences of granting this exemption: Mr. Semenick should not be allowed to park in an intersection. Another acceptable place will have to be found. Because he has only 10 ft. of road frontage, he cannot park both cars in front of his own leasehold. Where should he than park?

Discussion

Why did Mr. Semenick refuse the Bailey/Thurston offer to trade land? Jim was offered a strip of land from the front of the Bailey/Thurston leasehold to use for parking; in return they would get a strip from the back of the Semenick property. Jim replied that the strip the Bailey/Thurstons want is valuable to him, he has landscaped it carefully.

David Ewing explained that they used to park off the road on the town right-of-way before the Bailey/Thurstons planted flowers in that area. Ed Rohrbach noted that many people landscape the right-of-way in front of their properties.

Moved: That lot #52½ be granted an exemption allowing 2 cars to park on the southwest side of Millers Rd. between Walnut and Lower Lane.

Discussion

Pro:

Not granting any exemptions violates the original intent of ordinance #13 which always included the exemption possibility. In fact, the Semenick property and Little Arden were specifically mentioned as probable exemptions. We should set the precedent of granting an exemption.

Con:

When these properties were mentioned during the ordinance #13 discussions, it was erroneously assumed that lot 52½ was landlocked.

How can the town condone illegal parking in an intersection? The exemption would make the town legally responsible for any accident there.

Concern was expressed over granting an exemption to the lease in perpetuity.

Proposed Amendment: That the second half of the motion be stricken. The motion would then read: Moved that lot 52½ be granted an exemption allowing 2 cars to park on the streets of Arden.

Amendment accepted by the mover.

Proposed Amendment: That this exemption not be transferred with the lease.

Discussion

The non-transferrable amendment would make the lease on lot #52½ valueless.

Exempting in perpetuity lowers the value of the Bailey/Thurston lease.

Amendment defeated; 35 Nay, 25 Aye.

Proposed Amendment: The two parking spaces occupied by the leaseholder shall be legal parking places within the Village of Arden.

The intent of the motion was to mandate parking only in legal spaces. This amendment is intended to protect Arden against legal liability. All parking in Arden is already covered by Delaware State traffic laws.

Amendment withdrawn.

Motion to exempt lot #52½ from ordinance #13 and allowing 2 cars to park on the streets of Arden passed.

Moved: That an exemption from ordinance #13 be granted to 1802 and 1804 Millers Rd. on lot #51 (Little Arden).

Motion tabled until the next Town Assembly. Residents may continue to park on the road until the matter is resolved.

Buzz Ware Village Center Heating System Problem

The committee submitted both majority and minority reports to the Assembly.

Majority Report - Cy Liberman, Aaron Hamburger, & Elizabeth Varley Walker

This committee was reorganized after the election of 3 new members in March and quickly found itself to be a new committee with a new and gient problem--the failing heating system at the Village Center. We employed as a consultant a plumbing contractor who had already worked on the system in futile efforts to revive it. He advised us that the 39-year-old radiant heating system serving the original building (excluding the modules which are independently heated), which we knew was leaking under the floors in two of the four classrooms, could not be salvaged and should be replaced. Even the boiler has outlived its usefulness, we were told.

We looked into various forms of heating systems and also ways of supplementing the remains of the old system and concluded that the best high grade installation for our building would be one continuing to use hot water, but heating it in 2 new boilers and ditributing the heat through convection units similar to baseboard heating units in a house. Our consultant designed such a system and prepared specifications so that we can seek bids. Last week we sent letters to selected contractors asking them to bid. The consultant estimated the new system would cost about \$28,000 and we are using a figure of \$30,000 to include carpentry work that will be required. Obviously this is a shocking amount and about 3 times what we have in the maintenance fund.

We have been in close communication with WMA throughout the 3 monts it has taken to get this far in struggling with this problem and it is fair to say we have a new problem; how to finance an expenditure of \$28 to \$30,000.

As you know, the Village Center is operated under a cooperation agreement with the association calling for joint use of the building. Under the agreement the association pays all the expenses of running the building, including the utilities, custodial service, and both minor and major repairs. The association contributed \$7,620 this year to the maintenance fund and from this fund the committee pays for custodial service and for repairs. This reserve fund currently contains \$10,300--far short of the costs we face.

We have discussed this shortage with the association. That group has offered to put up \$15,000 in new money and also to advance \$3,500 out of its contributions to the maintenance fund for next fiscal year. We regard this as a generous offer, but not quite enough. For one thing, we can't spend the entire \$10,300 in the maintenance fund on the heating system. At least \$2,500 of it should be retained as a reserve against other necessary repairs that might have to be made during the year ahead. We are going to ask the meeting to approve a loan from the Civic Committee;s of other reserves to make up the shortage.

Now on the matter of putting up \$18,500 toward the new heating system, some board members of the association are understandably reluctant to put that much money into a building their group does not own. We have responded to that concern by pointing out that both Arden and the association did inadequate planning of the annual contribution to the maintenance fund, which turned out to be insufficient for the job at hand. The association came to the conclusion it could justify putting up the \$18,500 if the village is willing to make some modifications in the cooperation agreement, including an extension of its term so that the association would be spreading out the investment over a longer period. In that connection, the association has reviewed its current position and prospects and has informed us that its long term plan is to remain in Arden unless someone comes along with a gift of a building and no such gift is in sight.

Now for the specifics. The association is asking for these changes in the cooperation agreement:

First, to provide for a two-week camp during the last two weeks in August as part of the usual maintenance and set-up work normally done by association members at the center. The anticipated number of children attending camp will be in the 50-60 range with a maximum set at 70.

Second, to change the wording of the enrollment limit, now stated as "150 students." The request is to make that "150 full time equivalent students" so that pupils in the building half a day are not counted as full time students.

Third, the cooperation agreement is scheduled to expire in 1991. The association asks that it be extended 7 years with the right to renew for another 3 years unless Arden wants the building for its own use.

Fourth, the current agreement requires 2 years notice from the association to terminate. The association asks that it be modified to say that in the event the association receives a gift of a building and wishes to relocate it may terminate the agreement with one year's notice.

We think those requests are reasonable in the circumstances and we ask the meeting to approve them.

In another aspect of our work in running the center, we are seeking County and State grants that might be used to cover the next major repair we anticipate--the need for a new section of roof--and also for more comfortable chairs which would belong to the Village Center but might also be used in the Gild Hall. The bond bill introduced at Dover last week would set up a \$1 million bicentennial community development fund. We want to apply for some money from that fund, but it will require either 1/3 or 1/2 matching funds from Arden.

Finally we come to the bottom line. Here's what we are asking the meeting to do tonight:

1. Authorize the Village Center Committee to borrow up to \$8,000 from the Civic Committee or other reserve for use for the heating system or for matching funds for a state grant, with the understanding that any money spent for either purpose will be returned unless it is later approved as an expenditure in the annual budget referendum.

2. Authorize the transfer of an amount for matching funds in the next budget referendum--the amount to be determined by the Advisory Committee after a determination of the amount of State money likely to be available, but not to exceed \$5,000.

3. Authorize the 4 requested changes in the cooperation agreement--summer camp, new wording on the student limit, extension of the agreement and change in the termination notice.

Minority Report - Susan Rohrbach & Connee McKinney

We are certain that a new heating system is necessary. Many alternatives have been discussed, and the baseboard system is the most preferable. On this the committee is unanimous.

However, the minority feels not enough information regarding the financing of the heating system and the changes requested by WMA in the cooperative agreement has been presented for proper discussion. Because of the time pressure of town meeting, we found ourselves in the position of having to vote in good faith on concessions (i.e., summer camp, contract extension, and financial arrangements) that will benefit WMA to the year 2001--when today's 8 year old will be 24 years old. The concessions

were presented to this committee in rough draft without detailed discussion of the facts or their implications.

We believe no concessions should be made. For several years the maintenance agreement has been too low; therefore not building up proper reserves to meet major repairs. We believe item 13 of the cooperative agreement states plainly:

"While the term of this agreement is ten years, the base figure specified in section 8, item (e) for payments in cash may be renegotiated at the request of the Village or the Association. Negotiations to increase or decrease payments will be based on the actual cost experience to date, inflation and projected operating and capital expenses for the remaining agreement period."

If the town chooses to grant these concessions, the consequences of granting just the camp during the last two weeks of August and rewording of full-time student are: 1) increase enrollment, 2) increase traffic, 3) increase wear and tear on greens and playground equipment which the town maintains, 4) restricts use of the green by Arden children during the camp.

Do we want to encourage expansion by WMA? Although the BWVC Committee has a cost estimate of \$28,000 to \$30,000 to replace the heating system, no actual bids have been received to date.

The BWVC has the legal responsibility to provide heat. The current heating system cannot deliver heat to rooms 1 and 4. If necessary, electric space heaters with new electric lines could be installed in these 2 rooms for a cost of approximately \$3,000. (Room 1 needs 50,000 BTUs and room 4 needs 35,000 BTUs.)

No final version of the cooperative agreement has been voted on by the BWVC. Although the Montessori agreement is being drawn up by an attorney, no attorney has been involved on behalf of the BWVC. We suggest this matter be tabled until firm bids are received and final communications are received by this committee in writing from WMA. At that time we feel we will have enough information to again come before the town to request a proper and informed vote on matters this important, costly and extreme.

Discussion

Pro Majority Report

It is in Arden's best interest to preserve this valuable building.

The \$3,000 figure for electric heaters is misleading. It ignores the fact that the old system is leaking in rooms 1 and 4 and may go in rooms 2 and 3. The system cannot be entirely segregated. Does \$3,000 include wiring?

The original agreement was not written by a lawyer and the WMA attorney, a board member, is more of a hindrance than a help. This is a matter Arden is equipped to handle.

We must be prepared to make some concessions to WMA in return for their large investment.

We have had a good relationship with WMA for 12 years. This has been a mutually beneficial agreement, Arden has free use of the building.

The matter must be decided now so the project can be completed by next school year.

Pro Minority Report

Guaranteeing an August summer camp program is harmful to Arden; it increases traffic and safety problems at a time when we already have swimming pool traffic. The WMA children take over the Sherwood Green and prevent Arden children from using it.

Increasing the WMA enrollment limit will create more traffic/safety/parking problems in Arden.

How can the Assembly make such an important decision until bids are received?

Town Assembly was recessed at 12:30 AM, June 25. The meeting will be continued on Monday, July 8 at 8 PM at the Buzz Ware Village Center.

Brad S. Hamburger, Secy.